

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re:

POWER HOME SOLAR, LLC,

Debtor.

Chapter 7

Case No. 22-50228

**MOTION OF AFCO CREDIT CORPORATION FOR EX PARTE ORDER
SHORTENING NOTICE AND SCHEDULING EXPEDITED HEARING**

NOW COMES AFCO Credit Corporation (“AFCO”), by and through its undersigned counsel, respectfully moves this Court, pursuant to Rule 9006-1 of the Federal Rules of Bankruptcy Procedure and Local Rule 9006-1, for entry of an order shortening notice and scheduling an expedited hearing regarding the *Motion of AFCO Credit Corporation for an Order Granting Relief from the Automatic Stay Pursuant to 11 U.S.C. § 362(d) and Bankruptcy Rule 4001(a)* (the “Stay Relief Motion”)[D.I. [28]]¹ filed contemporaneously herewith. In support of this Motion to Shorten, AFCO respectfully states as follows:

1. This Court has jurisdiction over these cases and this Motion to Shorten pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).
2. Venue in this Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. On October 7, 2022 (the “Petition Date”), Debtor, filed a voluntary petition for relief under chapter 7 of the Bankruptcy Code (the “Bankruptcy Case”).
4. Prior to the Petition Date, Debtor entered into three (3) Commercial Insurance Premium Finance and Security Agreements, dated December 6, 2021, March 7, 2022, and June

¹ Capitalized terms not defined in this Motion to Shorten have the meanings ascribed to such terms in the Stay Relief Motion.

21, 2022, respectively (collectively, the “Finance Agreements” and each, a “Finance Agreement”) with AFCO for its auto, workers compensation, excess liability, general liability, property, executive risk package, errors and omissions, cyber liability, and professional liability (collectively, the “Financed Policies”).

5. On October 14, 2022, AFCO filed the Stay Relief Motion due to the Debtor’s indicated failure to comply with the Finance Agreements and AFCO’s lack of adequate protection in the collateral. As of the date of the filing of the Stay Relief Motion, the total indebtedness under the Finance Agreements owed to AFCO is \$487,623.63.

6. The value of AFCO’s interest in its collateral, the Unearned Premiums, is decreasing every day due to the use of the Unearned Premiums on Debtor’s behalf

7. Although fourteen (14) days is the standard notice period for a motion seeking relief from the automatic stay, *see* Fed. R. Bankr. P. 4001(a), AFCO submits that there is ample cause to grant this Motion to Shorten and that the Stay Relief Motion should be heard on shortened notice and an expedited hearing scheduled.

8. Because the value of AFCO’s collateral is decreasing every day, AFCO would be prejudiced by a delay in hearing the Stay Relief Motion. Furthermore, AFCO submits that hearing the Stay Relief Motion on shortened notice will not prejudice any party in interest.

9. Accordingly, pursuant to Bankruptcy Rules 9006(c)(1), 9007 and 2002(m), AFCO respectfully requests that this Court schedule an expedited hearing on the Stay Relief Motion and shorten the notice period for the hearing on the Stay Relief Motion.

10. The Stay Relief Motion was served by cm/ecf on (a) the United States Bankruptcy Administrator for the Western District of North Carolina; (b) the Debtor and Debtor’s counsel; (c) the Chapter 7 Trustee for the Debtor and (d) all parties that have requested or that are required to

receive special notice pursuant to Bankruptcy Rule 2002. AFCO submits that no other or further notice is necessary or required.

11. This Motion for Shortened Time and Scheduling Expedited Hearing will be served by email, and by first-class mail on (a) the United States Bankruptcy Administrator for the Western District of North Carolina; (b) the Debtor and Debtor's counsel; (c) the Chapter 7 Trustee for the Debtor. The Motion for Shortened Time and Scheduling Expedited Hearing will be served by first class mail on all parties that have requested or that are required to receive special notice pursuant to Bankruptcy Rule 2002. AFCO submits that no other or further notice is necessary or required.

12. Pursuant to Local Rule 9006-1, AFCO has made a reasonable efforts to notify the required parties regarding the relief requested in this Motion to Shorten and the Stay Relief Motion. AFCO reached out to both the Chapter 7 Trustee for the Debtor and Debtor's Counsel to gain consent for an expedited hearing. The Chapter 7 Trustee has consented to a hearing on October 24, 2022 at 9:30 AM. Counsel for the Debtor did not respond regarding the hearing.

WHEREFORE, AFCO respectfully requests that this Court enter an Order, (a) shortening the notice and objection periods with respect to the relief requested by the Stay Relief Motion; (b) setting an expedited hearing on the relief sought by the Stay Relief Motion at a time most convenient for the Court; (c) providing that responses or objections, if any, to the relief sought by the Stay Relief Motion may be presented at the hearing on the Stay Relief Motion; and (d) granting such other and further relief to AFCO as is appropriate.

Dated: October 14, 2022

Respectfully submitted,

**HOWARD, STALLING, FROM, ATKINS,
ANGELL & DAVIS, P.A.**

By: s/Savannah Elaine Lavender

Savannah Elaine Lavender, Esq.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury that she is over eighteen (18) years of age and the **MOTION OF AFCO CREDIT CORPORATION FOR EX PARTE ORDER SHORTENING NOTICE AND SCHEDULING EXPEDITED HEARING** was this day served upon the below named persons, parties and/or counsel by mailing, postage prepaid, first-class mail, a copy of such instruments to such persons, parties and/or counsel at the address shown below:

DATED: October 14, 2022

s/ Savannah Elaine Lavender
Savannah Elaine Lavender, Esq.
P.O. Box 12347
Raleigh, NC 27605
Telephone: (919) 821-7700
Facsimile: (919) 821-7703

Shelley Abel, Esquire Bankruptcy Administrator <i>Served via cm/ecf</i>	Joseph W. Grier, III <i>Served via cm/ecf</i> <i>Attorney for Debtor</i>
Power Home Solar, LLC 919 N Main St Mooresville, NC 28115	Jimmy R. Summerlin, Jr <i>Served via cm/ecf</i> <i>Chapter 7 Trustee</i>